

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELIS PACHECO : CIVIL ACTION
40 W. 37th Street, #1100
NY NY 10018, Plaintiff, NO. _____

vs.

:

JURY TRIAL DEMANDED

SANDRA PADJAN
14382 Hoover Street, A2
Westminster, CA 92683

:

AND

XCENTRIC VENTURES LLC
d/b/a RIPOFF REPORT
PO Box 470
Phoenix AZ 85280 Defendants. :

CIVIL COMPLAINT

A. JURISDICTION and VENUE

1. Jurisdiction is based diversity of citizenship.
2. Venue is proper here under applicable statute.

B. THE PARTIES

3. Plaintiff ELIS PACHECO ("PACHECO") is a private adult individual with his principal place of business at the above address; for more than thirty (30) years, plaintiff PACHECO has been involved in the entertainment business, inclusive but not limited to promotions, marketing, and personal management.

4. Defendant SANDRA PADJAN (hereinafter "PADJAN") is a private adult individual who upon information and belief resides and/or does business at the above address; defendant PADJAN also does business in the United States and within this District.

5. Defendant XCENTRIC VENTURES, LLC d/b/a "RIPOFF REPORT"

(hereinafter "XCENTRIC") is a domestic limited liability company with its registered office located at the above address, doing business within the District; defendant XCENTRIC operates a website devoted to publishing derogatory information about individuals and business entities.

6. At all times material hereto, defendants PADJAN and XCENTRIC acted individually, and/or through the acts of their agents, servants, employees, representatives, officers, and the Like, performing in the course of their employment and scope of duties.

C. FACTUAL BACKGROUND

7. During or about May 27, 2014, defendant PADJAN submitted a Complaint to XCENTRIC, which XCENTRIC published on its website; in turn, the information set forth on the Complaint became widely circulated on the internet worldwide.

8. The information provided by PADJAN to XCENTRIC was false, defamatory and libelous Per Se.

9. Said false, defamatory, and libelous information was inclusive but not limited to the following utterances:

" . . . he's nothing but a filthy criminal . . ."

" . . . he steals from others . . ." . See Exhibit A, attached.

10. Despite repeated demand, the false information appears on defendant XCENTRIC's website, widely circulated across the internet.

D. CAUSES OF ACTION

COUNT ONE: DEFAMATION

(AGAINST BOTH DEFENDANTS)

11. Paragraphs 1 through 10 are incorporated by reference as though fully set forth herein and made a part hereof.

12. Defendants conspired to publish false statements regarding plaintiff.

13. The false statements are inclusive but not limited to labeling plaintiff as dishonest, a criminal, and someone who steals from others.

14. Those statements are patently false.

15. The defamatory statements are libelous per se and actionable on their face; said libelous statements are outrageous, published recklessly, wantonly, willfully, and with disregard for plaintiff's rights and welfare- warranting an award of punitive damages.

16. As a proximate result of the defamation, plaintiff has suffered irreparable damage to his reputation, and further, suffered lost prospective business opportunities.

17. Defendants are liable to plaintiff for defamation.

WHEREFORE, on Count One, plaintiff demands judgment in his favor, and against defendants, jointly and severally, as follows:

- a) Compensatory damages for a sum to be proven at trial for loss of reputation and loss of prospective business;
- b) Punitive damages;
- c) Reasonable counsel fees and costs;

d) Such other relief as this Court may deem proper.

COUNT TWO: FALSE LIGHT (INVASION OF PRIVACY)

(AGAINST BOTH DEFENDANTS)

18. Paragraphs 1 through 17 are incorporated by reference as though fully set forth herein and made a part hereof.

19. The aforepleaded defamatory publication wrongfully placed plaintiff in a false light, thereby posing plaintiff as a dishonest thief and a generally despicable person.

20. Defendants are liable to plaintiff for invasion of privacy false light, entitling plaintiff to compensatory and punitive damages as set forth, supra.

WHEREFORE, on Count Two, plaintiff demands judgment in his favor, and against defendants, jointly and severally, as follows:

- a) Compensatory damages for a sum to be proven at trial for loss of reputation and loss of prospective business;
- b) Punitive damages;
- c) Reasonable counsel fees and costs;
- d) Such other relief as this Court may deem proper.

COUNT THREE: TORTUOUS INTERFERENCE IN BUSINESS RELATIONS

(AGAINST BOTH DEFENDANTS)

21. Paragraphs 1 through 20 are incorporated by reference as though fully set forth herein and made a part hereof.

22. Defendants tortuously interference with plaintiff's business relations by posting false, defamatory, misleading

information about plaintiff and his business dealings on the internet.

23. Defendant EXCENTRIC's search engine optimization ensured that the defamatory information would attain maximum effect, harming plaintiff as greatly as possible.

24. Defendants were aware that it is customary, in plaintiff's line of work, for prospective customers to perform a background check on plaintiff, simply by "Googling" plaintiff's name.

25. Defendants were also fully aware that despite plaintiff's thirty (30) plus years of work which resulted in a fine reputation, due to the modern miracles of the internet and search engine optimization, defendants were able to ensure that the defamatory information regarding plaintiff appears at or near the top of the Google search re: plaintiff.

26. The above-stated conduct constitutes unlawful actionable tortuous interference with plaintiff's business relations.

27. Said tortuous interference caused plaintiff loss of reputation and lost prospective business, and was conducted intentionally, maliciously, with malice and reckless disregard for plaintiff's rights and welfare.

28. Defendants are liable unto plaintiff for tortuous interference of business relations.

COUNT FOUR: MANDATORY INJUNCTION

(AGAINST BOTH DEFENDANTS)

29. Paragraphs 1 through 28 are incorporated by reference as though fully set forth herein and made a part hereof.

30. Defendant's continued publication of false and defamatory information concerning plaintiff is causing plaintiff irreparable damage to his reputation.

31. Plaintiff is entitled to mandatory injunction requiring defendants to permanently delete all derogatory information concerning plaintiff, and requiring defendants to notify all third parties which defendants communicate with to delete said derogatory information.

WHEREFORE, on Count Four, plaintiff demands judgment in his favor, and against defendants, jointly and severally, as follows:

- a) Issuance of a mandatory permanent injunction against defendants, as aforepleaded;
- b) Reasonable counsel fees and costs;
- c) Such other relief as this Court may deem proper.

Dated: June 30, 2016

Respectfully submitted,

/Simon Rosen, Esq./

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